

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

**This document relates to:**

JUDGE: JOAN N. ERICKSEN  
MAG. JUDGE: FRANKLIN L. NOEL

*Hufford v. 3M Company, et al.*  
Case Action No. 17-cv-02372

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**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

3M Company and Arizant Healthcare, Inc. ("Defendants" collectively) have moved this Court for an order dismissing plaintiff's claims with prejudice for failure to comply with Pre-Trial Order ("PTO") 14. Docs. 1124 and 1126.

Plaintiff has attempted to provide Defendants with all required information. The information that is deficient is ancillary to the primary claims—e.g. the social security number of Mr. Hufford's wife, and whether he has been a plaintiff in a personal injury lawsuit in the past ten years. Plaintiff has made prior attempts to rectify and correct his PFS and seeks an additional 120 days to serve a complete PFS.

Counsel for Plaintiff has taken numerous steps to work with the client to adequately complete and execute the PFS:

- September 8, 2017, sent a letter detailing the requirement to complete a Plaintiff Fact Sheet (PFS).
- September 8, call to client, and voicemail explaining PFS process.

- September 22, 2017, sent an email to attempt to complete a PFS.
- September 22, 2017, call and voicemail explaining importance of PFS.
- October 25, 2017, call and voicemail explaining deficiencies in PFS identified by Defendants.
- October 26, 2017, sent a letter explaining the deficiencies in the PFS identified by Defendants.
- October 30, 2017, call with client to discuss PFS and arrange for service on Defendants.
- November 8, 2017, called client to identify additional information required to complete PFS.
- November 8, 2017, sent an email identifying additional information required to complete PFS.
- November 10, 2017, left voicemail identifying additional information required to complete PFS.
- November 10, 2017, sent a letter identifying additional information required to complete PFS.
- November 28, 2017, left voicemail identifying additional information required to complete PFS.
- December 7, 2017, left voicemail identifying additional information required to complete PFS.
- December 8, 2017, sent a letter identifying additional information required to complete PFS.
- January 9, 2018, sent a letter identifying additional information required to complete PFS.
- January 10, 2018, left voicemail identifying additional information required to complete PFS.
- January 25, 2018, left voicemail detailing Defendants' identification of this case as having a deficient PFS and potential dismissal.
- January 25, 2018, sent a letter detailing Defendants' identification of this case as having a deficient PFS and potential dismissal.

- February 19, 2018, left voicemail detailing Defendants' identification of this case as having a deficient PFS and potential dismissal.
- February 22, 2018, left voicemail detailing Defendants' identification of this case as having a deficient PFS and potential dismissal.
- February 22, 2018, sent a letter identifying additional information required to complete PFS.

As noted above, Plaintiff has filed a PFS, and corrected prior deficiencies. The deficiencies at issue, while part of the core case information, as defined by PTO 14, are not so central as to prejudice Defendants in the prosecution of this case. Given Plaintiffs previous history of rectifying identified deficiencies in his PFS, the undersigned counsel respectfully seeks a 120-day extension on PTO 14. Nevertheless, if the Court deems dismissal of Plaintiffs' actions to be proper, then the undersigned counsel, respectfully, requests that the case be dismissed without prejudice granting an opportunity for Plaintiffs to reinstate their actions.

Dated: March 8, 2018

Respectfully submitted,

/s/ Amanda M. Williams  
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***COUNSEL FOR PLAINTIFF***